

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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TODD WOLF,

Plaintiff

v.

Case No. 2:23-CV-149

CITY OF SHEBOYGAN, et al.,

Defendants.

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**PLAINTIFF TODD WOLF'S FIRST MOTION TO COMPEL AND FOR AN  
EXPEDITED TELEPHONIC CONFERENCE ON DISCOVERY ISSUES  
UNDER FED. RS. CIV. P. 26 & 37**

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Plaintiff Todd Wolf, through his undersigned counsel, requests an order compelling the City of Sheboygan to permit and produce discovery relating to communications, materials, and information of attorneys Jill Hall, James Macy, and Charles Adams, supplementation of their discovery responses, and requesting a telephonic conference on this motion and other necessary discovery issues. The parties have conferred on this matter as set forth more fully in the Declaration of Jennifer DeMaster filed in support of this Motion and pursuant to Civil Local Rule 37. At this time, the parties are unable to come to agreement on this matter, and Wolf believes that Court intervention is necessary to facilitate and expedite these proceedings. Importantly, Wolf wants to conduct his depositions of Macy, Hall, and City employees in March, but he cannot do this without an order from this Court as to scope of waiver nor can he prepare for these depositions without any documentation he's requested. For these reasons, Wolf respectfully requests an expedited schedule on this motion and any telephonic conference thereon.

However, before turning to the privilege waiver issues set forth in this Motion and Wolf's supporting Memorandum and Declarations to this Motion, Wolf's counsel also desires to give this Court notice that ongoing exchanges between the parties' counsel reveals that Court guidance is necessary on several other discovery related matters. For example, all the parties have been unable to come to agreement on issues of confidentiality and protections for Wolf, as well as custody of ESI for City documents and communications. Additionally, Plaintiff has been unable to obtain discovery from all Defendants based, in part, on privilege issues or other various objections from the City Defendants. Wolf is mindful of the position for a private law firm based on the City's disclosures, so Wolf believes this Court's guidance can help facilitate some of these issues pertaining to confidentiality and protective orders. Accordingly, Wolf requests a telephonic conference all parties to address these issues for any protective order in this matter.

Next, Wolf is concerned about the City Defendants harassment or intimidation of witnesses or persons that participate in these proceedings and has requested a stipulation from the City's counsel that protects deponents or witnesses, which the parties cannot agree on. Further, Wolf has several other Discovery Requests out to all City of Sheboygan Defendants pertaining to personal communications relating to the claims, and the City has requested another near month extension and indicated they will object on various grounds such as "harassment" or "privacy interests" for these public officials. The prospect that such extension will only produce vague boilerplate objections again requires this Court's guidance to ensure that discovery is not spent filing endless motions to compel. *See* ECF No. 64, at p. 6 (Plaintiff's position).

Turning to this Motion, for the reasons set forth more fully in Wolf's Memorandum and Brief in Support of his Motion to Compel Discovery, Wolf requests an order from this Court compelling the City to:

1. Permit and produce discovery of all communications, materials, and information to and from Jill Hall relating to her investigation of Wolf.
2. Permit discovery and depositions of all communications, materials, and information to and from James Macy relating to his advising about the investigation, Wolf's termination, contract, and potential legal claims (January 4 closed session topics), between November 7, 2022 – February 8, 2023.
3. Permit and produce discovery and depositions of all communications, materials, and information to and from Charles Adams relating to Wolf's leave, November leave directives, investigation, and termination (topics of the October 17, October 24, November 7, and January 4 meetings).
4. Withdraw their "relevance to a party" objections and supplement their responses to Wolf's First Requests for Production on the City (Appendix A – Narrowed).
5. Awarding costs and reasonable attorney fees to Wolf for this Motion.

Respectfully submitted: February 14, 2024

/s/ Jennifer DeMaster

Jennifer DeMaster

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